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CERTIFIED MAIL: RETURN RECEIPT REQUESTED

SEP 1 1983

Mr. D. K. McNear, Chairman  
Southern Pacific Transportation Company  
Southern Pacific Building  
One Market Plaza  
San Francisco, CA 94105

Re: Former Olin Site, Wallisville Road  
Houston, Texas

Dear Mr. McNear:

This letter is in response to the draft closure plan submitted by past and present property owners to EPA for the above referenced site and is to present our position in dealing with the known and potential contamination on site. The draft closure plan provides for partial cleanup of the ditches along the north and west boundaries of the site. This plan was prepared, based on existing information. However, the extent of contamination in the ditches, both vertical and horizontal, is not clearly defined and so the proposed remedy may not provide for elimination of any offsite migration. Therefore, further sampling will be required.

In addition to the north and west ditches discussed above, we have information which suggests that other portions of the former pesticide site should be examined and sampled to insure that no threat of offsite contamination exists. In order to expedite the data gathering process, EPA contractors will perform the additional sampling for the entire site (including the ditches). It will be possible to split samples should you desire to have them analyzed yourself. Upon receipt of the additional data, an appropriate remedy will be selected. We envision that this remedy will include the proposed remedy, at a minimum, and perhaps additional closure requirements.

As a result of our concern with this site and in an effort to gather all available information to assist in the investigation, the Environmental Protection Agency (EPA) is seeking to obtain certain information regarding the history of the site. As an owner and/or operator of the site, your company may be liable for measures taken to abate a threat of release. Under provisions of Section 104 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. 9604, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6927, as amended by the Solid Waste Disposal Act Amendments of 1980, the Administrator of the Environmental Protection Agency has the authority to

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istrator of the Environmental Protection Agency has the authority to require any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes and substances to furnish information related to such wastes and substances. The EPA has evidence which indicates your company may have engaged in such activities at this site. Therefore, pursuant to the aforementioned statutory provisions, your company is hereby requested to answer the following questions:

1. What is your ownership history of the site?
2. Upon assuming ownership, what was the agreement with the former owner concerning responsibilities for cleanup of the site?
3. What cleanup operations were performed by the former owner prior to your purchase?
4. What pesticides were handled at the site? What were your pesticide handling and disposal practices on site? Please be specific as to movement and disposition of all soils, and sulfur or pesticide-laden material, dismantling equipment, resurfacing, etc. Do you have engineering plans for your work?
5. Based on your knowledge, what were the disposal practices utilized by Ulin on the site?
6. Please provide all data you may have characterizing the pollutants on site.
7. Please provide a complete copy of any report(s) prepared by consultants or your staff concerning the extent of contamination of the site in question (including offsite contamination). Include any associated results of laboratory analysis.

Your answers to these questions and requests must be sent to EPA within thirty (30) calendar days of your receipt of this letter. Under Section 106 of CERCLA, 42 U.S.C. 9606, and Section 3008 of RCRA, 42 U.S.C. 6928, failure to comply with this request may result in an order requiring compliance or a civil action for appropriate relief. Section 106 of CERCLA and Section 3008 of RCRA also provide for civil penalties.

The records, reports, and/or information described in this letter must be submitted whether or not you regard part or all of it as a trade secret or confidential. The Regulations found in Subpart B of Part 2 of Title 40 of the Code of Federal Regulations (originally published in the Federal Register on September 1, 1976, and amended in the Federal Register on September 8, 1978) govern EPA's handling of confidential business information. If you desire, you may assert a business confidentiality claim for part or all of the information submitted.

The information covered by such a claim will be disclosed by EPA only to the extent and by the procedures set forth in 40 CFR Part 2, Subpart B, and in Sections 3007 of RCRA and 104(e) of CERCLA. Unless you make such a claim at the time that you submit the information, it may be made available to the public by EPA without further notice to you. In making such a claim, you should clearly identify each document or each page of a document with a legend such as "trade secret," "proprietary," or "company confidential." Such confidential material may be submitted separately from other material. Effluent data, as defined in 40 CFR 2.302(a), may not be considered to be confidential business information.

Should the signatory find, at any time after submittal of the requested information, that any portion of the submission is false or incorrect, the signatory should notify EPA, Region 6. If any answer is found subsequently to be untrue, the signatory can be prosecuted under 18 U.S.C. 1001.

This letter is not subject to the approval requirements of the Paperwork Reduction Act of 1980, Chapter 25 of Title 44, United States Code.

Please respond to us within the thirty (30) days indicated above. Your response should be sent to:

Mr. David Price  
Superfund Enforcement, 6AW-SE  
Environmental Protection Agency  
InterFirst One Building  
1201 Elm Street  
Dallas, Texas 75270

If you have any questions regarding this request, please contact Mr. Price at (214) 767-4075.

Sincerely yours,

Allyn M. Davis, Director  
Air & Waste Management Division

cc: Mr. Gary Schroeder, TDWR  
✓ W. T. Womble, Esquire  
David W. Long, Environmental Counsel, Southern Pacific